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APPLICATION NO. FILING DATE		LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/601,761	06/23/2003		Sadeg M. Faris		7350	
	7590	06/09/2004		EXAMINER		
REVEO, INC			CHOWDHURY, TARIFUR RASHID			
85 Executive Elmsford, NY				ART UNIT	PAPER NUMBER	
ŕ				2871		
				DATE MAILED: 06/09/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application	on No.	Applicant(s)					
		10/601,76	S1	FARIS ET AL.					
	Office Action Summary	Examiner		Art Unit					
		Tarifur R	Chowdhury	2871					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply									
THE M - Extens after S - If the p - If NO p - Failure Any re	RTENED STATUTORY PERIOD FOR REI IAILING DATE OF THIS COMMUNICATIOn ions of time may be available under the provisions of 37 CFR IX (6) MONTHS from the mailing date of this communication. eriod for reply specified above is less than thirty (30) days, a period for reply is specified above, the maximum statutory per to reply within the set or extended period for reply will, by sta- ply received by the Office later than three months after the mail patent term adjustment. See 37 CFR 1.704(b).	N. 1.136(a). In no every reply within the state iod will apply and weltute, cause the app	ent, however, may a reply be timutory minimum of thirty (30) days ill expire SIX (6) MONTHS from lication to become ABANDONE	nely filed s will be considered timel the mailing date of this c O (35 U.S.C. § 133).					
Status									
1)⊠ F	Responsive to communication(s) filed on <u>03</u>	B December 2	<u>003</u> .						
2a)□ 1	This action is FINAL . 2b)⊠ T	his action is n	on-final.						
, —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Dispositio	n of Claims								
5)□ (6)⊠ (7)□ (Claim(s) 1 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. Claim(s) is/are allowed. Claim(s) 1 is/are rejected. 								
Applicatio	on Papers								
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 23 June 2003 is/are: a) accepted or b) objected to by the Examiner.									
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.									
Priority ur	nder 35 U.S.C. § 119								
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 									
2) Notice 3) Information	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948) ation Disclosure Statement(s) (PTO-1449 or PTO/SB/ No(s)/Mail Date	08)	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa	ite	O-152)				

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

The continuity data should be updated.

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of U.S. Patent No.
 6,559,903. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claim is anticipated by the patented claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tarifur R Chowdhury whose telephone number is (571) 272-2287. The examiner can normally be reached on M-Th (6:30-5:00) Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRC June 03, 2004

TARIFUR R. CHOWDHURY